

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE:)	Chapter 11
RACHAEL L McCUEN.,)	Case No. 24-16984
Debtor-in-Possession.)	Hon. Timothy A. Barnes

NOTICE OF MOTION

To: See Attached Service List

YOU ARE HEREBY NOTIFIED that on May 28, 2025 at 9:00 a.m., or as soon thereafter as counsel may be heard, I shall appear before the Honorable Timothy A. Barnes, **either** in courtroom 682 of the Everett McKinley Dirksen United States Courthouse, 219 South Dearborn Street, Chicago, Illinois 60604, **or** electronically as described below, and then and there present *MOTION TO EXTEND DEADLINE FOR FILING CHAPTER 11 SUBCHABTER V PLAN OF REORGANIZATION AND TO LIMIT NOTICE*, a copy of which is attached hereto and herewith served upon you.

Important: Only parties and their counsel may appear for presentment of the motion electronically using Zoom for Government. All others must appear in person.

To appear by Zoom using the internet, use this link: <https://www.zoomgov.com/>. Then enter the meeting ID and passcode.

To appear by telephone, call Zoom for Government at 1-669-254-5252 or 1-646-828-7666. Then enter the meeting ID and password.

Meeting ID and passcode. The meeting ID for this hearing is **161 329 5276** - the password is **433658**. The meeting ID and further information can also be found on the Judge Barnes' web page on the court's web site.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objection is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

RACHAEL L McCUEN, Debtor-in-Possesion

By: /s/ David R. Herzog
One of its attorneys

David R. Herzog
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Attorneys for Debtor-in-Possession
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CERTIFICATE OF SERVICE

I, David R. Herzog, certify that I served a copy of this notice and the attached motions on each entity shown on the attached list via the ECF court system, or by enclosing same in an envelope addressed to them, with postage fully prepaid, and by depositing the envelope in the U.S. Mail at 53 W. Jackson Blvd., Chicago, Illinois 60604, on this 14th day of May.

/s/ David R. Herzog

SERVICE LIST

VIA ECF

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219 South Dearborn
Room 873
Chicago, IL 60604
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Johnson & Krol LLC
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Chicago, IL 60606
krol@johnsonkrol.com

VIA FIRST CLASS MAIL

Community Bank of Elmhurst
c/o Gina B. Krol
Cohen & Krol
1064 104th St., Ste. 100
Naperville, IL 60564-5132

Consumer's Cooperative
1075 Tri State Pkwy
Gurnee, IL 60031-9182

GM Financial
Attn: Bankruptcy Dept.
P.O. Box 181145
Arlington, TX 76096-1145

Shellpoint Mortgage
Attn: Bankruptcy
P.O. Box 10826
Greenville, SC 29603-0826

Internal Revenue Service
Centralized Insolvency Operation
P.O. Box 7346
Philadelphia, PA 19101-7346

Aidvantage on behalf of
Dept. of Education
P.O. Box 300001
Greenville, TX 75403-3001

JPMorgan Chase Bank, N.A.
s/b/m/t Chase Bank USA, N.A.
Robertson, Anschutz, Schneid,
Crane & Partners, PLLC
6409 Congress Ave., Suite 100
Boca Raton, FL 33487-2853

Best Buy/CBNA
50 Northwest Point Rd.
Elk Grove Village, IL 60007-1032

Discover Bank
P.O. Box 3025
New Albany, OH 43054-3025

Capital One N.A. Spark
by AIS InfoSource Lp as agent
4515 W Santa Fe Ave.
Oklahoma City, OK 73118-7901

Achieve Personal Loans
P.O. Box 2340
Phoenix AZ 85002-2340

Barclays Bank Delaware
P.O. Box 8803
Wilmington, DE 19899-8803

Barclays Bank Delaware/Old Navy
125 S. West. St.
Wilmington, DE 19801-5014

Kohls/CAPONE
N56 Ridgewood Dr.
Menomonee Falls, WI 53051

Advocate Health
1775 Dempster St.
Park Ridge, IL 60068-1143

Derick Dermatology
353 Bank Dr.
Suite 400
McHenry, IL 60050-0506

Affirm Inc.
650 California St., Fl 12
San Francisco, CA 94108-2716

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

IN RE:) **Chapter 11**
)
RACHAEL L McCUEN,) **Case No. 24-16984**
)
Debtor-in-Possession.) **Hon. Timothy A. Barnes**

**MOTION TO EXTEND DEADLINE FOR FILING CHAPTER 11
SUBCHABTER V PLAN OF REORGANIZATION AND TO LIMIT NOTICE**

NOW COMES the Debtor and Debtor-in-Possession, RACHAEL L McCUEN, by and through her attorneys, David R. Herzog and the Law Office of David R. Herzog, LLC, and moves this Court pursuant to Section 1189(b) of the Bankruptcy Code (11 U.S.C. § 1189(b)) to extend the deadline to file a Subchapter V Plan of Reorganization from May 20, 2025 to and including June 30, 2025,. In support of this motion, the Debtor-in-Possession states as follows:

1. On November 12, 2024, (the “Petition Date”), the Debtor filed a voluntary petition for relief under of Chapter 13 of the Bankruptcy Code. On February 19, 2025, an order was entered converting the case to a Chapter 11, Sub-chapter V. The Debtor seeks to rearrange her financial affairs as debtor-in-possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code.

2. The Debtor owns and supervises the day-to-day operations of the Cut & Fill, LLC (“CNF”) located at 946 Singing Hills Drive, Volvo, Illinois 60073. CNF generates annual revenue of around 2.5 million dollars per year, and employs approximately eight (8) employees which perform concrete construction work and well as office work. CNF performs both private and municipal concrete work principally in the Chicagoland area, and presently has applications filed with the State of Illinois and the County of Cook to perform governmental work for those entities.

3. Because the bar date for submitting claim is set to June 23, 2025, and because all proofs of claim have not been received from the creditors, the Debtor is unable to prepare the necessary projections to file an appropriate Plan of Reorganization.

4. The Debtor is seeking an extension due to the bar date having been set after the Plan

of Reorganization is due on May 20, 2025.

5. The Debtor's need for additional time to formulate necessary projections is a circumstance the Debtor should not justly be held accountable.

6. Written notice of this Motion has been provided either via first class mail or through the Court's CM/ECF system (as applicable), together with a copy of the Motion and all exhibits thereto, to the following: (a) the United States Trustee; (b) all parties who have filed an appearances and are registered to receive notice under the CM/ECF system; (c) all secured creditors; and (d) the twenty largest unsecured creditors.

7. Based on the forgoing, the Debtor requests that any further notice requirements be waived and/or shortened for "cause" shown in accordance with Bankruptcy Rules 4001(c)(2) and 9006(c) and that the Court find that such notice is sufficient and approve same under Bankruptcy Rule 9007.

WHEREFORE, RACHAEL L McCUEN, prays that this Honorable Court extend the deadline for filing a Subchapter V Plan of Reorganization from May 20, 2025 to and including June 30, 2025, and to limit notice to (a) the United States Trustee; (b) all parties who have filed an appearances and are registered to receive notice under the CM/ECF system; (c) all secured creditors; and (d) the twenty largest unsecured creditors, and for such other and further relief which is just and appropriate.

Dated: May 14, 2025

Respectfully submitted,

RACHAEL L MCcUEN, INC., Debtor-in-Possession

By: /s/ David R. Herzog
One of her Attorneys

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